

(b) **ACCESSION BONUS.**—(1) The Secretary concerned may pay an accession bonus under this section to an eligible person who enters into an agreement with the Secretary—

(A) to accept an appointment as an officer in the armed forces; and

(B) to serve in the Selected Reserve of the Ready Reserve in a skill designated under paragraph (2) for a period specified in the agreement.

(2)(A) The Secretary concerned shall designate for an armed force under the Secretary's jurisdiction the officer skills to which the authority under this subsection is to be applied.

(B) A skill may be designated for an armed force under subparagraph (A) if, to mitigate a current or projected significant shortage of personnel in that armed force who are qualified in that skill, it is critical to increase the number of persons accessed into that armed force who are qualified in that skill or are to be trained in that skill.

(3) An accession bonus payable to a person pursuant to an agreement under this section accrues on the date on which that agreement is accepted by the Secretary concerned.

(c) **PERIOD OF OBLIGATED SERVICE.**—An agreement entered into with the Secretary concerned under this section shall require the person entering into that agreement to serve in the Selected Reserve for a specified period. The period specified in the agreement shall be any period not less than three years that the Secretary concerned determines appropriate to meet the needs of the reserve component in which the service is to be performed.

(d) **AMOUNT.**—The amount of a bonus under this section may be any amount not in excess of \$6,000 that the Secretary concerned determines appropriate.

(e) **PAYMENT.**—(1) Upon acceptance of a written agreement by the Secretary concerned under this section, the total amount of the bonus payable under the agreement becomes fixed. The agreement shall specify whether the bonus is to be paid in one lump sum or in installments.

(2) A person entitled to a bonus under this section who is called or ordered to active duty shall be paid, during that period of active duty, any amount of the bonus that becomes payable to the member during that period of active duty.

(f) **RELATION TO OTHER ACCESSION BONUS AUTHORITY.**—A person may not receive an affiliation bonus or accession bonus under this section and financial assistance under chapter 1608, 1609, or 1611 of title 10, or under section 302g of this title, for the same period of service.

(g) **REPAYMENT FOR FAILURE TO COMMENCE OR COMPLETE OBLIGATED SERVICE.**—(1) A person who, after receiving all or part of the bonus under an agreement entered into by that person under this section, does not accept a commission or an appointment as an officer or does not commence to participate or does not satisfactorily participate in the Selected Reserve for the total period of service specified in the agreement shall repay to the United States such compensation or benefit, except under conditions prescribed by the Secretary concerned.

(2) The Secretary concerned shall include in each agreement entered into by the Secretary under this section the requirements that apply for any repayment under this subsection, including the method for computing the amount of the repayment and any exceptions.

(3) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States. A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an agreement entered into under this section does not discharge a person from a debt arising under an agreement entered into under this subsection or a debt arising under paragraph (1).

(Added Pub. L. 108-375, div. A, title VI, §619(a), Oct. 28, 2004, 118 Stat. 1950.)

§ 309. Special pay: enlistment bonus

(a) **BONUS AUTHORIZED; BONUS AMOUNT.**—A person who enlists in an armed force for a period of at least 2 years may be paid a bonus in an amount not to exceed \$20,000. The bonus may be paid in a single lump sum or in periodic installments.

(b) **REPAYMENT OF BONUS.**—(1) A member of the armed forces who voluntarily, or because of the member's misconduct, does not complete the term of enlistment for which a bonus was paid under this section, or a member who is not technically qualified in the skill for which the bonus was paid, if any (other than a member who is not qualified because of injury, illness, or other impairment not the result of the member's misconduct), shall refund to the United States that percentage of the bonus that the unexpired part of member's enlistment is of the total enlistment period for which the bonus was paid.

(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

(3) A discharge in bankruptcy under title 11 that is entered less than 5 years after the termination of an enlistment for which a bonus was paid under this section does not discharge the person receiving the bonus from the debt arising under paragraph (1).

(c) **RELATION TO PROHIBITION ON BOUNTIES.**—The enlistment bonus authorized by this section is not a bounty for purposes of section 514(a) of title 10.

(d) **REGULATIONS.**—This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under the jurisdiction of the Secretary of Defense and by the Secretary of Homeland Security for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

(e) **DURATION OF AUTHORITY.**—No bonus shall be paid under this section with respect to any enlistment in the armed forces made after December 31, 2005.

(Added Pub. L. 106-398, §1 [[div. A], title VI, §624(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-152; amended Pub. L. 107-107, div. A, title VI, §614(c), Dec. 28, 2001, 115 Stat. 1136; Pub. L. 107-296, title XVII, §1704(c), Nov. 25, 2002, 116 Stat. 2314; Pub. L. 107-314, div. A, title VI, §614(c), Dec. 2, 2002, 116 Stat. 2568; Pub. L. 108-136, div. A, title VI,

§ 614(c), Nov. 24, 2003, 117 Stat. 1501; Pub. L. 108-375, div. A, title VI, § 614(d), Oct. 28, 2004, 118 Stat. 1948.)

PRIOR PROVISIONS

A prior section 309, Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 468, related to authority of Secretary concerned to provide for additional pay for performance of administrative functions by officers of the National Guard and reserve components, prior to repeal by Pub. L. 96-107, title IV, § 404(a)(1), (b), Nov. 9, 1979, 93 Stat. 808, 809, applicable only with respect to administrative functions performed after September 30, 1980.

AMENDMENTS

2004—Subsec. (e). Pub. L. 108-375 substituted “December 31, 2005” for “December 31, 2004”.

2003—Subsec. (e). Pub. L. 108-136 substituted “December 31, 2004” for “December 31, 2003”.

2002—Subsec. (d). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation”.

Subsec. (e). Pub. L. 107-314 substituted “December 31, 2003” for “December 31, 2002”.

2001—Subsec. (e). Pub. L. 107-107 substituted “December 31, 2002” for “December 31, 2001”.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

EFFECTIVE DATE

Pub. L. 106-398, § 1 [div. A], title VI, § 624(c)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-153, provided that: “The amendments made by subsection (a) [enacting this section] shall take effect on October 1, 2000, and apply with respect to enlistments in the Armed Forces made on or after that date.”

§ 310. Special pay: duty subject to hostile fire or imminent danger

(a) **ELIGIBILITY AND SPECIAL PAY AMOUNT.**—Under regulations prescribed by the Secretary of Defense, a member of a uniformed service may be paid special pay at the rate of \$150 for any month in which—

(1) the member was entitled to basic pay or compensation under section 204 or 206 of this title; and

(2) the member—

(A) was subject to hostile fire or explosion of hostile mines;

(B) was on duty in an area in which the member was in imminent danger of being exposed to hostile fire or explosion of hostile mines and in which, during the period the member was on duty in the area, other members of the uniformed services were subject to hostile fire or explosion of hostile mines;

(C) was killed, injured, or wounded by hostile fire, explosion of a hostile mine, or any other hostile action; or

(D) was on duty in a foreign area in which the member was subject to the threat of physical harm or imminent danger on the basis of civil insurrection, civil war, terrorism, or wartime conditions.

(b) **CONTINUATION DURING HOSPITALIZATION.**—A member covered by subsection (a)(2)(C) who is hospitalized for the treatment of the injury or

wound may be paid special pay under this section for not more than three additional months during which the member is so hospitalized.

(c) **LIMITATIONS AND ADMINISTRATION.**—(1) A member may not be paid more than one special pay under this section for any month. A member may be paid special pay under this section in addition to any other pay and allowances to which he may be entitled.

(2) A member of a reserve component who is eligible for special pay under this section for a month shall receive the full amount authorized in subsection (a) for that month regardless of the number of days during that month on which the member satisfies the eligibility criteria specified in such subsection.

(d) **DETERMINATIONS OF FACT.**—Any determination of fact that is made in administering this section is conclusive. Such a determination may not be reviewed by any other officer or agency of the United States unless there has been fraud or gross negligence. However, the determination may be changed on the basis of new evidence or for other good cause.

(e) **TEMPORARY INCREASE IN AUTHORIZED AMOUNT OF SPECIAL PAY.**—For the period beginning on October 1, 2003, and ending on December 31, 2005, the rate of pay authorized by subsection (a) shall be increased to \$225.

(Added Pub. L. 88-132, § 9(a)(1), Oct. 2, 1963, 77 Stat. 216; amended Pub. L. 89-132, § 4, Aug. 21, 1965, 79 Stat. 547; Pub. L. 98-94, title IX, § 905(a), (b)(1), Sept. 24, 1983, 97 Stat. 636, 637; Pub. L. 99-145, title VI, § 638(a), Nov. 8, 1985, 99 Stat. 649; Pub. L. 101-510, div. A, title XIII, § 1322(c)(6), Nov. 5, 1990, 104 Stat. 1672; Pub. L. 102-190, div. A, title VI, §§ 611(a), 613, Dec. 5, 1991, 105 Stat. 1376, 1377; Pub. L. 105-261, div. A, title VI, § 621, Oct. 17, 1998, 112 Stat. 2042; Pub. L. 108-11, title I, § 1316(a), (c)(2), Apr. 16, 2003, 117 Stat. 570; Pub. L. 108-136, div. A, title VI, §§ 618(a), (b), (d)(2), 619, Nov. 24, 2003, 117 Stat. 1503, 1504; Pub. L. 108-375, div. A, title VI, § 623(a), Oct. 28, 2004, 118 Stat. 1955.)

AMENDMENT OF SECTION

Pub. L. 108-375, div. A, title VI, § 623(a)(2), Oct. 28, 2004, 118 Stat. 1955, provided that, effective Jan. 1, 2006, subsection (a) of this section is amended by substituting “\$225” for “\$150” and subsection (e) of this section is repealed.

AMENDMENTS

2004—Subsec. (e). Pub. L. 108-375, § 623(a)(1), substituted “December 31, 2005” for “December 31, 2004”.

2003—Subsec. (a). Pub. L. 108-136, § 618(a)(2), added subsec. (a) and struck out former subsec. (a) which read as follows: “Under regulations prescribed by the Secretary of Defense, a member of a uniformed service may be paid special pay at the rate of \$150 for any month in which he was entitled to basic pay and in which he—

“(1) was subject to hostile fire or explosion of hostile mines;

“(2) was on duty in an area in which he was in imminent danger of being exposed to hostile fire or explosion of hostile mines and in which, during the period he was on duty in that area, other members of the uniformed services were subject to hostile fire or explosion of hostile mines;

“(3) was killed, injured, or wounded by hostile fire, explosion of a hostile mine, or any other hostile action; or